



---

**DECISION MEMO**  
**Tailhold Special Use Permit Issuance**  
**Long Bear Timber Sale IDL**  
**USDA Forest Service, Northern Region**  
**Nez Perce-Clearwater National Forests**  
**Palouse Ranger District**  
*Clearwater County, Idaho*

---



## **I. Background**

The Palouse Ranger District proposes to issue Idaho Department of Lands a special use permit for approximately eight tailholds located on Forest Service system lands on the Palouse Ranger District, Nez-Perce-Clearwater National Forests, Clearwater County, Idaho at T39N R2E Section 19 (Boise Meridian) (see attached map).

The proposed category for this project is: 36 CFR 220.6(e)(3) Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.

## **II. Purpose and Need**

### ***Purpose (Desired Condition)***

The purpose of this project is to grant Idaho Department of State Lands' request to use tailholds located on Forest Service system lands. In cable logging, a tailhold is the anchorage at the outer end of the skyline, away from the landing.

Forest-wide management direction in the Clearwater National Forest Plan related to this project can be found on pages II-20 to II-40 (USDA Forest Service, 1987). The management area direction for Management Area (MA) E1 may also apply to this project. This management area provides direction to provide optimum, sustained production of wood products.

### ***Need (Existing Condition)***

The need of this project is Idaho Department of State Lands has a planned timber sale adjacent to Forest Service system lands. Cable logging operations are planned for a portion of this sale which would require tailholds on the east side of Long Meadow Creek on Forest Service system lands.

## **III. Decision**

I have decided to authorize issuance of a special use permit to Idaho Department of Lands for approximately eight tailholds located on approximately 4.5 acres on Forest Service system lands. The planned cable logging operations for portions of their Long Bear Timber Sale (8MM board feet) would require tailholds on the east side of Long Meadow Creek during implementation. The average line for each tailhold would be approximately 2500 feet in length. The Idaho Department of Lands personnel would tie their skyline to trees or stumps on Forest Service system land when there are no suitable trees on their side of the property line. Trees used as tailholds would be protected by tree plates and any tailhold that is pulled over or felled for safety would be left in place or removed after approval from the Forest Service.

No ground disturbance is proposed. Each tailhold would be approved in advance by the Forest Service and would be located outside of Forest Service system land RHCAs.

### ***Design Criteria and Mitigation Measures***

This project includes design criteria identified below to protect water quality. These items are not all-inclusive, as the Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended).

- ✓ Locate tailhold trees outside of Forest Service managed RHCAs unless specifically approved and designated by the timber sale administrator.
- ✓ Do not create cable corridors through any Forest Service managed RHCA.
- ✓ If it is necessary to fall any trees within any Forest Service managed RHCA, for safety concerns, retain those trees on-site. This criterion is also true for tailhold, support, or anchor trees in upland areas.

## **IV. Rationale for Decision and Reasons for Categorically Excluding the Decision**

### ***A. Category of Exclusion and Rationale for Using the Category***

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(3) Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, including the Forest Plan, 5) the on-the-ground review and discussion with district resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), specialists' reports, and project record.

### ***B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances***

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states "The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist."

#### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:**

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists

determined the proposed actions would have no effect or impact on listed or sensitive plant, wildlife, or fish species or habitat, and suitable habitat would not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area, or habitat is present and the species may occur, but the project would not affect the habitat for the species, and therefore no incremental effects exist that would cause a cumulative effect, as documented in the Biological Assessments and Evaluations, and specialists' reports (see plant, wildlife, and fish sections of the project record). Therefore, no extraordinary circumstances were identified to these resources.

**2. Floodplains, wetlands, or municipal watersheds:**

No floodplains, wetlands, or designated municipal watersheds exist in the project area. No ground disturbance or vegetation removal is proposed. The watershed is listed as sediment and temperature impaired (Clean Water Act Section 303(d) listed), however, no canopy cover will be removed within an RHCA, no ground disturbing activities are proposed, and appropriate design criteria limit the potential for sediment to reach any water resource or for canopy reductions to increase temperatures. The proposed project is also consistent with all applicable State and Federal water quality laws because project design criteria and best management practices (BMPs) have been included to protect water resources. Therefore, no direct, indirect, or incremental effects that would cause a cumulatively significant effect are anticipated to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 30.3.2.

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:**

The project area is not located in any congressionally designated area, and therefore, no extraordinary circumstances were identified to these resources.

**4. Inventoried roadless areas or potential wilderness areas:**

The project is not located within any Clearwater National Forest Plan FEIS Appendix C Roadless Areas, Idaho Roadless Areas (36 CFR 294 Subpart C), or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

**5. Research Natural Areas:**

The project area is not located in any research natural area, and therefore, no extraordinary circumstances were identified to this resource.

**6. American Indians and Alaska native religious or cultural sites and**

**7. Archaeological sites, or historical properties or areas:**

The Forest Cultural Resource Specialist determined that the proposed action would have little likelihood to adversely affect cultural properties because of the type of project and its location. Additionally, the Nez Perce Tribal Government Liaison and Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce

Tribal members' abilities to exercise those rights, and none were identified. Therefore, no extraordinary circumstances were identified to native religious or cultural sites, archaeological sites, or historical properties or areas.

## **V. Interested and Affected Agencies, Organizations, and Persons Contacted**

On June 11, 2012, a letter providing information and seeking public comment was mailed to 493 individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene Tribes. Additionally, project information has also been made available at <http://www.fs.usda.gov/nezperce> under NEPA projects. A legal notice appeared in the Lewiston Tribune on June 15, 2012, inviting comments for 30 days from publication. Two individuals/organizations commented during the public comment period, and their comments are addressed in Appendix A.

## **VI. Findings Required by Other Laws**

Based on my review of the actions associated with this project, I find that the Tailhold SUP Issuance-Long Bear IDL Project is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Clearwater National Forest Plan:** These actions are consistent with the Clearwater National Forest Plan (USDA Forest Service 1987), as amended, as required by the National Forest Management Act of 1976 because they follow the standards and guidelines contained in those plans. In addition, the decision contributes to the maintenance or attainment of one or more goals, desired conditions, or objectives, or does not foreclose the opportunity to maintain or achieve any goals, desired condition, or objectives, over the long term, is consistent with the Forest Plans' standards, and complies with applicable guidelines or is designed in a way that is as effective in achieving the purpose of the applicable guidelines, and the project activities occur in Management Areas that are specifically suitable for the intended activities or for which the plan is silent with respect to its suitability for that type of project or activity (36 CFR 219.15).

**PACFISH/INFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the proposed actions comply with direction regarding PACFISH/INFISH because no adverse effects to riparian wildlife or fish species or habitat are anticipated. Design criteria protect RHCAs.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed actions with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the project is consistent with the Endangered Species Act because no effects to threatened and endangered species are anticipated.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ). No prescribed burning or other activity with the potential to significantly affect air quality is proposed.

**Clean Water Act and State Water Quality Laws:** The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and federal water quality laws because it will have no notable effects to the water quality of area or downstream waters.

**National Historic Preservation Act:** The Forest Cultural Resource Specialist determined that the proposed action would have little likelihood to adversely affect cultural properties because of the type of project and its location. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**Migratory Bird Treaty Act:** No substantial losses of migratory bird habitat are expected from the implementation of this proposal, nor any measurable impact on neotropical migratory bird populations as a whole, therefore, the proposed actions would comply with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**American Indian Treaty Rights:** The Nez Perce Tribal Government Liaison and Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights and none were identified.

**Environmental Justice:** The proposed actions will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed actions comply with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands would be managed with appropriate sensitivity to the effects on adjacent lands.

**Energy Requirements:** No unusual energy demands are required to implement the proposed actions.

**Other Laws or Requirements:** The proposed actions are consistent with all other Federal, State, or local laws or requirements for the protection of the environment and cultural resources.

## VII. Administrative Review and Appeal Opportunities, and Implementation Date

This decision is subject to appeal pursuant to 36 CFR 215. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Lewiston Tribune, Lewiston, Idaho. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:



USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
P.O. Box 7669  
Missoula, MT 59807

OR

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
200 East Broadway  
Missoula, MT 59802

Office hours: 7:30 a.m. to 4:00 p.m. (MST).

Faxed appeals must be submitted to: (406) 329-3411.

Electronic appeals must be submitted to: [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us)

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project or activity specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project, informal resolution meetings and/or conference calls may be scheduled between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: <http://www.fs.usda.gov/goto/r1-appeal-meetings>.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

**VIII. Contact Person**

Questions regarding this decision should be sent to Norma Staaf, Nez Perce-Clearwater National Forests, Kamiah Office, 903 3rd Street, Kamiah, ID 83536 or by phone at (208) 935-4284 or fax at 208 935-4275 during normal office hours [weekdays, 7:30 a.m. to 4:30 p.m. (PST)].

**IX. Signature of Deciding Officer**



SUSAN SHAW

Palouse District Ranger



Date

cc: Zilia Lewis

Enclosure: Map

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600(voice and TDD). To file a complaint of discrimination, write USDA, Director, office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue SW, Washington, DC 20250-9410, or call 202-720-5964 (voice or TDD). USDA Forest Service is an equal opportunity provider and employer.

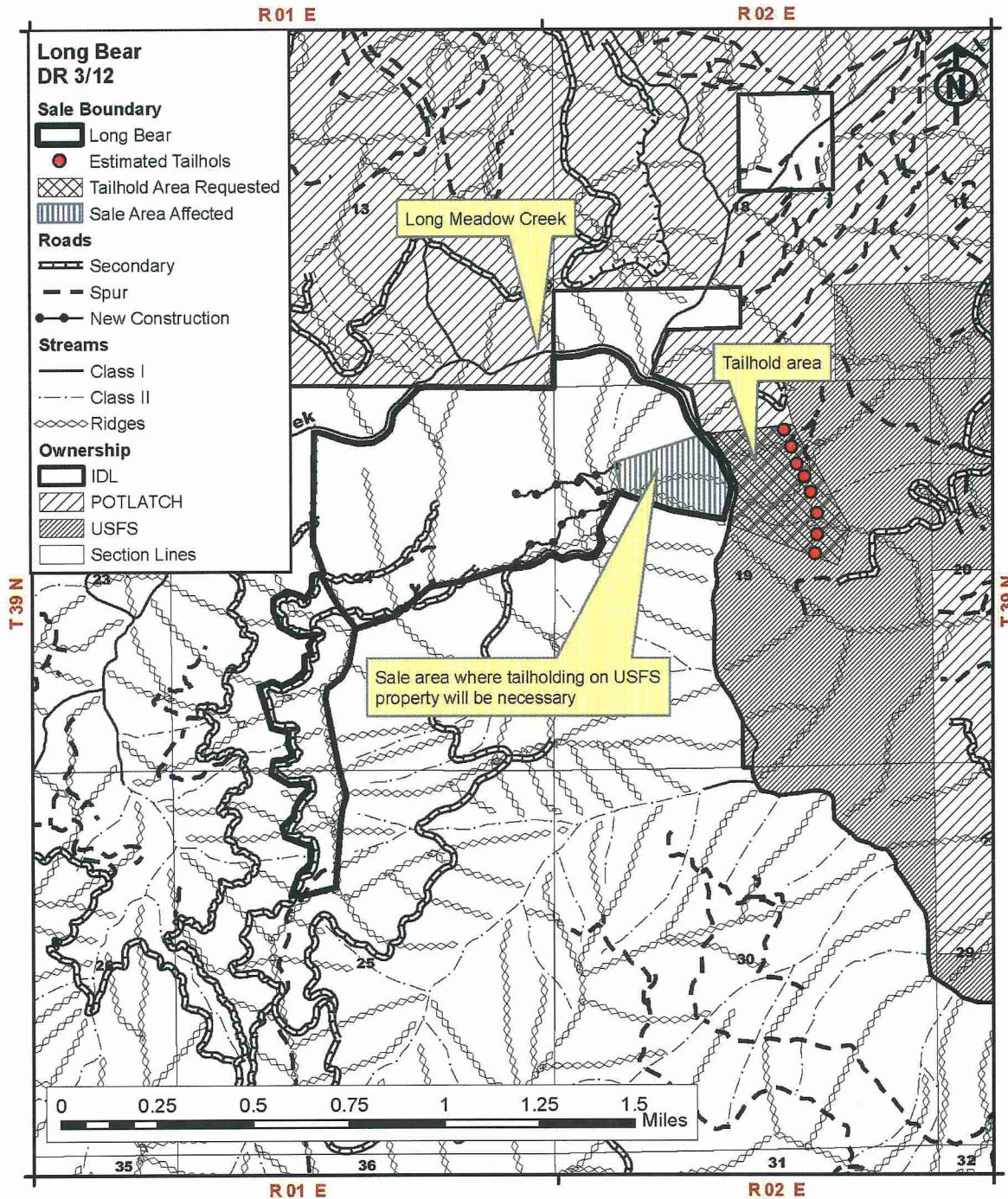


# Tailhold SUP Issuance-Long Bear IDL Project Map

CR-41-0049  
Long Bear

Tailhold Permit Application  
Logging Plan Map

Exhibit A  
Map 1 of 1





## Appendix A

### Response to Public Comments

On June 11, 2012, a letter providing information and seeking public comment was mailed to 493 individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene Tribes. Additionally, project information has also been made available at <http://www.fs.usda.gov/nezperce> under NEPA projects. A legal notice appeared in the Lewiston Tribune on June 15, 2012, inviting comments for 30 days from publication. Two individuals/organizations commented during the public comment period, and their comments are addressed below.

#### Planning Participants' Comments and Forest Service Responses

##### ***Gary Macfarlane, Friends of the Clearwater, Alliance for the Wild Rockies, and Wilderness Watch***

**Comment #1:** The scoping letter claims this won't occur in RHCA's. It then states that potential issues include watershed concerns. Please explain this apparent discrepancy.

**Response #1:** We identified potential issues for our proposal, including potential watershed concerns, and we considered effects to watersheds in our analysis. However, the ID Team Hydrologist examined effects to watersheds, and determined no floodplains, wetlands, or designated municipal watersheds exist in the project area. No ground disturbance or vegetation removal is proposed. Though the watershed is listed as sediment and temperature impaired (Clean Water Act Section 303(d) listed), no canopy cover will be removed within an RHCA, no ground disturbing activities are proposed, and appropriate design criteria limit the potential for sediment to reach any water resource or for canopy reductions to increase temperatures. The proposed project is also consistent with all applicable State and Federal water quality laws because project design criteria and best management practices (BMPs) have been included to protect water resources. Therefore, no direct, indirect, or incremental effects that would cause a cumulatively significant effect are anticipated to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds. Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 30.3.2.

##### ***Brad Smith, Conservation Associate and Jonathan Oppenheimer, Senior Conservation Associate, Idaho Conservation League, North Idaho Office, PO Box 2308, Sandpoint, Idaho 83864***

**Comment #1:** Finally, with regards to the Tailhold Special Use Permit Issuance, it would appear that the Idaho Department of Lands timber sales are connected actions that require additional consideration of the cumulative effects as required by NEPA. We encourage you to closely consider and disclose the potential effects from the proposed logging to water quality, wildlife, old growth and other

**Planning Participants' Comments and Forest Service Responses**

resources.

**Response #1:** The ID Team considered potential cumulative effects caused by past, present, and reasonably foreseeable actions, including the Long Bear Timber Sale, in their analyses, including site-specific Biological Assessments and Biological Evaluations prepared for Plants, Wildlife, and Fish, and determined the proposed actions will produce negligible environmental effects on the physical, biological, or social quality of the environment, directly or indirectly, including to water quality, wildlife, old growth, and other resources, and therefore no incremental effects that would cause a cumulatively significant effect to these areas (see project record). Trees used as tailholds would be protected by tree plates and any tailhold that is pulled over or felled for safety would be left in place or removed after approval from the Forest Service, and these activities will not affect old growth, as only incidental trees may be felled. Additionally, no effects to old growth dependent wildlife species are anticipated. No meaningful cumulative effects could be identified based on the scale of this proposal when compared to past, present, or reasonably foreseeable projects. Actions consistent with 36 CFR 220.6(e) have already been determined to produce no significant effects, either individually or cumulatively, provided no extraordinary circumstances exist related to the proposed action. Our analysis of extraordinary circumstances showed that no circumstances exist with potential for significant environmental effects. The proposed activities are small in scope and their impacts are minimal, are of short duration, and have not been determined to be significant when considered with past, present, or foreseeable projects.